

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)
NICHOLAS N. NINOSKY)
DESSIE M. NINOSKY,)
Debtor) Bankruptcy No. 17-70309-JAD
)
CREDIT ACCEPTANCE CORPORATION,) Chapter 13
Movant)
v.)
NICHOLAS N. NINOSKY) Doc. No. 45
DESSIE M. NINOSKY,)
Respondent(s)) Related To Document No. 26
)
RONDA J. WINNECOUR)
Trustee)

)

STIPULATION

NOW COMES, Credit Acceptance Corporation (“Credit Acceptance”), by and through its counsel, Morton & Craig LLC, and Nicholas and Dessie Ninosky (“Debtors”) by and through their counsel Paul W. McElrath, Jr., Esquire, and stipulate and agree as follows:

RECITALS

WHEREAS, the Debtors filed a voluntary petition for relief under Chapter 13 of Title 11, United States Code on April 19, 2017;

WHEREAS, the Debtors and Credit Acceptance are parties to a Motor Vehicle Installment Sales Contract dated March 24, 2017 (the “Contract”) whereby the Debtors financed the purchase of a 2006 Chevrolet G1500 bearing vehicle identification number 1GNFG15T461121185 (the “Vehicle”);

WHEREAS, the Debtors filed a Chapter 13 Plan on June 1, 2017 in which the Debtors proposed to modify Credit Acceptance’s lien and pay Credit Acceptance a total of \$11,319.08 with interest at 4.25% for the Vehicle;

WHEREAS, Credit Acceptance filed a secured proof of claim on April 20, 2017 in the amount of \$11,319.08 with contract interest accruing at an annual rate of 20.53%;

WHEREAS, the Debtors and Credit Acceptance have resolved the issues surrounding the Debtors' treatment of Credit Acceptance's secured claim in the Chapter 13 Plan and seek to enter into this Stipulation to resolve said issues.

NOW THEREFORE, the Debtors and Credit Acceptance hereby stipulate and agree as follows:

1. The Chapter 13 Plan dated June 1, 2017 shall incorporate the terms of this Stipulation as it relates to Credit Acceptance's secured claim or if the Debtors decide to file an amended Chapter 13 Plan, said amended Chapter 13 Plan shall incorporate the terms of this Stipulation as it relates to Credit Acceptance's secured claim.
2. That Credit Acceptance shall have a secured claim in the amount of \$11,319.08 with annual interest to accrue at 7.0%, with any remainder of Credit Acceptance's claim to be treated as an unsecured claim.
3. That Credit Acceptance shall not release its lien on the Vehicle until the Debtors' Chapter 13 Plan has been fully completed or until it has been paid the full amount to which it is entitled under applicable non-bankruptcy law, whichever occurs earlier. Upon payment in accordance with these terms and successful completion of the Chapter 13 Plan by the Debtors, Credit Acceptance shall release its lien on the Vehicle.
4. That this Stipulation shall become null and void, without further Order of Hearing, if the Debtors' underlying Chapter 13 Bankruptcy case is converted to a Chapter 7 case or if the underlying Chapter 13 Bankruptcy case is dismissed.

IN WITNESS hereof the parties, by their respective, duly authorized, undersigned
counsel of record, have caused this Stipulation to be executed as of the 17th day of
Oc**h**, 2017.

BY THE COURT:



The Honorable Jeffery A. Deller
Chief Bankruptcy Judge

Consented To:

/s/ William E. Craig

William E. Craig, Esquire
PA ID# 92329
Morton & Craig LLC
110 Marter Ave. Suite 301
Moorestown, NJ 08057
(856) 866-0100
bcraig@mortoncraig.com
Attorney For Credit Acceptance Corporation

FILED

10/17/17 11:13 am

CLERK

U.S. BANKRUPTCY

COURT - WDPA

/s/ Paul W. McElrath

Paul W. McElrath, Jr., Esquire
PA ID# 86220
McElrath Legal Holdings, LLC
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Attorney for Debtors

/s/ Jana S. Pail

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Chapter 13 Trustee

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
Western District of Pennsylvania

In re:
 Nicholas N. Ninosky
 Dessie M. Ninosky
 Debtors

Case No. 17-70309-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: amaz
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Oct 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 19, 2017.

db/jdb +Nicholas N. Ninosky, Dessie M. Ninosky, 2653 Punkin Ridge Road, La Jose, PA 15753-7316

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 19, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 17, 2017 at the address(es) listed below:

James A. Prostko on behalf of Creditor Fulton Bank, N.A. pawb@fedphe.com,
 james.prostko@phelanhallinan.com

Joshua I. Goldman on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmllawgroup.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov

Paul W. McElrath, Jr. on behalf of Debtor Nicholas N. Ninosky ecf@mcelrathlaw.com,
 donotemail.ecfbackuponly@gmail.com

Paul W. McElrath, Jr. on behalf of Joint Debtor Dessie M. Ninosky ecf@mcelrathlaw.com,
 donotemail.ecfbackuponly@gmail.com

Ronda J. Winnecour cmeccf@chapter13trusteewdpa.com

William E. Craig on behalf of Creditor Credit Acceptance Corporation ecfmail@mortoncraig.com,
 mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 7